

Opening Statement  
Chairman Dan Burton  
Subcommittee on Human Rights and Wellness  
Committee on Government Reform  
Topic: "Decades of Terror: Exploring Human Rights Abuses in Kashmir and the  
Disputed Territories"  
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A relentless, deadly struggle is going on half a world away in India's mainly Muslim territory of Kashmir, where Indian military and Para-military forces are trying to crush forces seeking independence or union with Pakistan.

Kashmir's political status has been disputed almost since the subcontinent was partitioned in 1947. In the days of the British Empire, the state of Jammu and Kashmir was one of more than 50 autonomous princely states owing allegiance to Britain. At independence, the rulers were advised to join, by means of an instrument of accession, either of the two new dominions, India or Pakistan, bearing in mind their state's geographical position and the religion of their inhabitants. In October 1947, prompted by a local Muslim uprising that drew armed support from Pakistan, the Hindu Maharaja of Jammu and Kashmir chose to place his mostly-Muslim subjects under the jurisdiction of India, and then called in Indian troops who recaptured most of his lost territory.

A United Nations-brokered cease-fire in January 1949 left Kashmir divided by a military cease-fire line into the Indian state of Jammu and Kashmir and Pakistan-controlled Azad (Free) Kashmir and the Northern Territories. For the past 56 years, Indian and Pakistani forces have continuously confronted each other over this tense cease-fire line, with their bitter rivalry exploding into war in 1965 and 1971, and nearly providing the flashpoint for a third conflict in 2001 possibly involving nuclear weapons.

Although the 1949 U.N. cease-fire agreement, and U.N. Resolutions of April 21, 1948, August 13, 1948, January 5, 1949, and February 21, 1957, to name a few, all rejected India's claim of accession of the region to India, and declared that the States' future would be determined by its citizens through a free and impartial plebiscite, no plebiscite has ever been held, and the state was formally incorporated into India in 1954.

Separatist agitation has continued on and off from the very beginning of the conflict but in 1989, it flared into open conflict. Some pro-Pakistani militant groups have resorted to terrorist deeds like kidnapping, assassination, extortion and even common crime. No political grievance justifies such actions, and I strongly condemn the violence perpetrated by these groups.

So while violence clearly comes from both sides in this conflict, the violence perpetrated by India's military forces, and the Para-military forces allied with them, is even more disturbing and abhorrent. Just as the world is disgusted by the abuse of Iraqi prisoners by

United States Service men and women, we should be disgusted by the tactics that have been systematically employed by Indian military and Para-military forces in Kashmir.

India claims to be the world's largest democracy, and like any other great democracy, its soldiers should be and must be held to a higher standard of conduct. Yet, India's insistence on resolving a political problem by force has dragged it down into a campaign of essentially lawless state terrorism.

Critics of mine will argue that I am grossly overstating the situation and blaming an entire country for the actions of a few individuals. But the fact of the matter is that credible, independent human rights organizations – including Amnesty International, Human Rights Watch, Asia Watch, and Freedom House, and even the United States Department of State, have documented how Indian forces have used brutal techniques to subjugate the Kashmiri population and other ethnic minorities, such as Sikhs and Christians, and against women; techniques like reprisal killings, burning down of whole villages, and summary executions. There have also been many reports of torture and “disappearances,” two of the most common features of state terrorism.

To quote, from the State Department's own “2003 Country Reports on Human Rights Practices” for India:

“The Government generally respected the human rights of its citizens; however, numerous serious problems remained. Significant human rights abuses included: Extrajudicial killings, including faked encounter killings, custodial deaths throughout the country, and excessive use of force by security forces combating active insurgencies in Jammu and Kashmir and several northeastern states; torture and rape by police and other agents of the Government; poor prison conditions; arbitrary arrest and incommunicado detention in Jammu and Kashmir and the northeast; continued detention throughout the country of thousands arrested under special security legislation; lengthy pretrial detention without charge; prolonged detention while undergoing trial; occasional limits on freedom of the press and freedom of movement; harassment and arrest of human rights monitors; extensive societal violence against women; legal and societal discrimination against women; forced prostitution; child prostitution and female infanticide; discrimination against persons with disabilities; serious discrimination and violence against indigenous people and scheduled castes and tribes; widespread intercaste and communal violence; religiously motivated violence against Muslims and Christians; widespread exploitation of indentured, bonded, and child labor; and trafficking in women and children.”

Continuing to quote from the State Department's Report:

“Accountability remained a serious problem in Jammu and Kashmir. Security forces committed thousands of serious human rights violations over the course of the 14-year conflict, including extrajudicial killings, disappearances, and torture. Despite this record of abuse, only a few hundred members of the security forces have been prosecuted and punished since 1990 for human rights violations or other crimes. Punishments ranged from reduction in rank to imprisonment for up to 10 years.”

And finally, quote:

“Country-wide, there were allegations that military and paramilitary forces engaged in abduction, torture, rape, arbitrary detention, and the extrajudicial killing of militants and noncombatant civilians, particularly in areas of insurgencies. Human rights groups alleged that police often faked encounters to cover up the torture and subsequent killing of both militants and **noncombatants [emphasis added].**”

These are not my opinions or biases, these are facts, and the facts speak for themselves. 800,000 Indian troops are stationed in and around Kashmir – one-half of India’s standing army - and since 1989, 87,678 people have been killed by Indian troops, 104,380 houses and shops have been burned, 105,210 children orphaned, at least 9,297 women have been molested, and 21,826 women have been widowed.

These are statistics that cannot simply be ignored or swept under the rug, particularly if the peace talks recently entered into between India and Pakistan are to bear any real fruit. The last peace talks between India’s Prime Minister Atal Bihari Vajpayee and Pakistani President General Pervez Musharraf in Agra, India, in July 2001, failed after both sides refused to show any flexibility over Kashmir. Unfortunately, the history of peace talks between the two countries is littered with good intentions but failed promises, and the sticking point is usually Kashmir.

This latest round of talks has produced what officials call a “road map for peace,” setting a six-month schedule for discussions on a range of issues, including their longstanding dispute over Kashmir. Representatives from both sides have agreed to meet again in May or June for talks on confidence-building measures and on Kashmir. Talks on other issues, including terrorism and economic and commercial cooperation, are to take place in July.

I am pleased to report there has been some progress made in easing tensions along the Line of Control in Indian-administered Kashmir. Parallel troop withdrawals from the border area and restoration of full diplomatic ties between India and Pakistan have created a window for a negotiated peace settlement on the issue of Kashmir. This is a process that will take time, and I commend all sides to stay the course of reconciliation and healing for the sake of the Kashmiri community.

So, I am cautiously encouraged by the initial success of the peace talks, but I strongly believe that any comprehensive peace agreement must pursue justice for decades of human rights abuses in the region, as well as constructively and positively engage the Kashmiri people in the peace process. The enthusiasm for peace should not overwhelm the need to confront in the light of day the brutal legacy of 56 years of armed combat in the region. Respect for human rights must be at the center of any effort to resolve this conflict. The cycle of repression and violence will only escalate unless there is a commitment by all parties to end once-and-for-all human rights violations of every kind.

And that is why the Subcommittee has convened this morning, to fully explore the allegations of human rights abuses against Muslims, Sikhs, Christians, women and other minorities, and put the alleged perpetrators of these crimes, as well as the governments of India, Pakistan and the United States, on notice that this Subcommittee is watching their actions closely.

If the United States is serious about building good relations with New Delhi, and about rebuilding our own reputation around the world as a champion of human rights, then we should not stand by in silence while India perpetrates atrocities against the Muslims, Sikhs, and Christians in Kashmir and the disputed territories. Even if we have little power to deter India from repression, we should assert American disapproval more forthrightly. Whether in large and powerful countries like India and China, or smaller countries like Cuba and Sudan, we need to speak with one firm and consistent voice on Human rights. Criticizing the weak but not the strong is not true leadership.

I want to thank all of our witnesses for being here this morning. Some of you have made extraordinary efforts to attend this critically important and historic hearing. I would like to particularly thank Ms. Attiya [A-TEE-A] Inayatullah [IN-EYE-A-TOOL-A] for being here today. I understand that Ms. Inayatullah lost her mother this past Sunday, but decided that making the big trip to Washington to tell her story was more important than attending her own mother's funeral. On behalf of all of us here today, I am sure that was a very difficult decision to make. I offer her our sincerest condolences on her loss, and I thank her for the sacrifice she has made to be with us here today.

I look forward to hearing the testimony of all of our witnesses, and I anticipate some tough questioning of our entire group of panelist by the Members of the Committee.